

CHAPTER 2139

An act relating to the conveyance of land to the City of San Diego.

[Approved by Governor July 23, 1963. Filed with
Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby granted to the City of San Diego a municipal corporation, in trust, all the right, title and interest of the State of California in and to the surface, and those portions of the subsurface, down to and including two hundred (200) feet below the surface of the subject lands, for the purposes, and subject to the conditions specified in Section

2, of all that real property situated in the City of San Diego, County of San Diego, State of California, more particularly described as follows:

(a) All that portion of Pueblo Lot 1803 of the Pueblo Lands of the City of San Diego, in the City of San Diego, County of San Diego, State of California, according to the map thereof made by James Pascoe in 1870, a copy of which is filed as Miscellaneous Map No. 36 in the office of the County Recorder of said County, lying between the West line of the seawall on the East and the mean high tide line on the West, and the Westerly prolongation of the Southerly line of Block 389, Pacific Beach, on the South, and the Northerly line of Pueblo Lot 1803 on the North.

(b) Parcel 1: That portion of Pueblo Lot Twelve Hundred Eight, according to the Map of the Pueblo Lands of San Diego, made by James Pascoe in 1870, a copy of which said map was filed in the office of the County Recorder on December 12, 1921, and is known as a miscellaneous map, lying south of the Northerly line of Pueblo Lot 1193 produced Westerly, and East of the Easterly line of Pueblo Lot 1798, being shown on map of Mission Bay Park Tract No. 1120, filed in the office of the County Recorder of San Diego County, February 11, 1908, as an unnumbered tract of land lying South of Blocks 36 and 40 of said Mission Bay Park Tract to the mean high tide line of Mission Bay, together with all accretions whether artificial or natural.

Parcel 2: That portion of said Pueblo lot Twelve Hundred Eight bounded on the North by Pacific Avenue, on the East by Dalton Street on the West by the Easterly line of Pueblo Lot 1798, and on the South by the Westerly prolongation of the Northerly line of Pueblo Lot 1193, the avenues and streets above mentioned being those shown on the aforesaid map of Mission Bay Park Tract No. 1120.

Parcel 3: All of Pueblo Lot 1798 of the Pueblo Lands of San Diego, according to map thereof made by James Pascoe in 1870, a copy of which said map was filed in the office of the County Recorder of San Diego County on December 12, 1921, and is known as a miscellaneous map, to the mean high tide line of Mission Bay, together with all accretions whether artificial or natural, excepting therefrom that portion of Pacific Avenue as said Avenue is shown on the aforesaid map of Mission Bay Park Tract No. 1120, which lies East of the Southerly extension of the Westerly line of Bond Street, as said Bond Street is shown on the map of Mission Bay Park Tract No. 1530, filed in the office of the County Recorder, February 8, 1913.

(c) That portion of Lot "A" of Braemar, according to Map thereof No. 1098, filed in the office of the County Recorder of said San Diego County, December 2, 1907, lying Easterly of a line drawn at right angles to the South line of Acre Lot 71, as shown on Map No. 854 of Pacific Beach on file in the office of the Recorder of San Diego County, said line beginning at

a point in the South line of said Lot 71, which is 120 feet Easterly from the Southeast corner of Block 389, as shown on said Map No. 854, and extending Southerly to the mean high tide line of Mission Bay, also known as False Bay, and Southerly of the Easterly prolongation of the center line of Verona Court, as shown on Map of Mission Beach, No. 1809, on file in the office of the County Recorder of said San Diego County.

(d) That portion of Pueblo Lot 1793 of the Pueblo Lands of San Diego, according to Map by James Pascoe, filed in the County Recorder's Office; described as follows:

Beginning at a point in the Westerly extension of the Southerly line of Lot 10, Block 227 of Pacific Beach, according to Map thereof No. 854, filed in the County Recorder's Office, September 28, 1898, 30 feet Westerly of the Southwesterly corner of said Lot 10; thence Westerly along the Westerly extension of the Southerly line of Lot 10, Block 227 to the mean high tide line of the Pacific Ocean, thence Southerly along said mean high tide line of the Pacific Ocean to an intersection with the Westerly extension of the Southerly line of Lot 5, Block 260, Pacific Beach, according to Map No. 854, filed in the County Recorder's Office, September 28, 1898; thence Easterly along the Westerly extension of Southerly line of Lot 5, Block 260 to a point 30 feet Westerly of the Southwesterly corner of said Lot 5, Block 260; thence Northerly along a line parallel with and 30 feet Westerly from the Westerly line of said Block 260 and from a line drawn from the Northwestern corner of said Lot 1, Block 260 to the Southwesterly corner of Lot 10, Block 227 to the point of beginning.

(e) Those portions of Pueblo Lot Seventeen Hundred Ninety-three of the Pueblo Lands of San Diego, according to map thereof made by James Pascoe in 1870, described as follows:

(1) Beginning at the intersection of the North line of said Pueblo Lot Seventeen Hundred Ninety-three with the West line of Block One Hundred Ninety-two of Pacific Beach, as shown on Maps No. 791 and No. 854, filed in the office of the County Recorder of San Diego County December 29, 1894, and September 28, 1898, respectively; thence along the said West line of said Block One Hundred Ninety-two to the Southwest corner of said block; thence Southerly in a direct line to the Northwest corner of Block One Hundred Ninety-three of said Pacific Beach; thence Southerly along the Westerly line of said Block to the Northwest corner of Lot Three in said Block One Hundred Ninety-three; thence Westerly along the Westerly prolongation of the North line of said Lot Three to the mean high tide line of the Pacific Ocean; thence Northerly along said tide line to intersect the Northerly line of said Pueblo Lot Seventeen Hundred Ninety-three; thence Easterly along the Northerly line of said Pueblo Lot to the point of beginning.

(2) Beginning at the most Southerly corner of Lot Five Block Two Hundred Sixty of Pacific Beach, as shown on Maps No. 791 and No. 854, filed in the office of the County Recorder of San Diego County, December 29, 1894, and September 28, 1898, respectively; thence in a Southerly direction following the West line of Blocks Two Hundred Sixty, Two Hundred Sixty-one and Two Hundred Ninety-four to intersection with the North line of Block Two Hundred Ninety-five of said Pacific Beach; thence Westerly along the Westerly extension of said North line of Block Two Hundred Ninety-five to the mean high tide line of Pacific Ocean; thence Northerly along said tide line to intersection with the Westerly extension of the Southerly line of Lot Five in Block Two Hundred Sixty of Pacific Beach; thence Easterly along the said Westerly extension of said South line of said Lot Five to the point of beginning.

(f) All that portion of Lot 1793 of the Pueblo Lands of San Diego, in the City of San Diego, according to Map thereof made by James Pascoe in 1870, a copy of which said Map was filed in the office of the County Recorder of said San Diego County, November 14, 1921, and is known as Miscellaneous Map No. 36, described as follows:

Beginning at a point in the Westerly extension of the Northerly line of Grand Avenue, 30 feet Westerly of the Southwesterly corner of Lot Ten in Block 227 of Pacific Beach, according to Map thereof No. 854, filed in the office of the Recorder of said San Diego County, September 28, 1898; thence Northerly 100 feet, more or less, along a line parallel with and 30 feet Westerly from the Westerly line of said Block 227 to intersect the Southerly line of Parcel 3 described in the deed to Miriam E. Magner, et al, recorded May 3, 1946 in Book 2097, page 485 of Official Records of said San Diego County; thence Westerly along said last mentioned line to the mean high tide line of the Pacific Ocean; thence Southerly along said mean high tide line to an intersection with the Westerly extension of the Northerly line of Grand Avenue; thence Easterly along the Westerly extension of the Northerly line of Grand Avenue to the point of beginning.

(g) An easement for a pedestrian walkway and passageway for beach maintenance and service vehicles through, over, under, along and across the following described Real Property situated in the City and County of San Diego, State of California:

All that portion of Pueblo Lot 1793 of the Pueblo Lands of the City of San Diego, County of San Diego, State of California, according to a map thereof made by James Pascoe in the year 1870 and filed in the office of the Recorder of said San Diego County as Miscellaneous Map No. 36, more particularly described as follows:

Beginning at a point on a line that is parallel with and 30.0 feet Westerly from the Westerly line of Block 226 of Pacific Beach, according to map thereof No. 854 as filed in the

office of said Recorder, distant thereon 205.0 feet Northerly from the intersection with the Westerly extension of the Southerly line of said Block 226; thence Westerly on a line parallel with the Westerly extension of the Southerly line of said Block 226, a distance of 150.0 feet to the True Point of Beginning; thence Northerly parallel to and 180.0 feet Westerly from the Northerly extension of the Westerly line of said Block 226, a distance of 194.70 feet to a point; thence Westerly parallel to the Westerly extension of the Southerly line of said Block 226 to the intersection with the Mean High Tide Line of the Pacific Ocean, as shown on a Survey of Crystal Pier made by O. Glover dated July 31, 1937 and filed in Book 699 on pages 420 and 421 of the official records of said County Recorder; thence Southerly along said Mean High Tide Line of the Pacific Ocean to the intersection with the line parallel to and 205.0 feet northerly of the Westerly extension of the Southerly line of said Block 226; thence Easterly along said line parallel to and 205.0 feet distant Northerly of the Westerly extension of the Southerly line of said Block 226 to the True Point of Beginning.

(h) Those portions of Pueblo Lot Seventeen Hundred Ninety-three of the Pueblo Lands of San Diego, in the City of San Diego, according to map thereof made by James Pascoe in 1870, a certified copy of which was filed in the office of the Recorder of said County as Miscellaneous Map No. 36, lying within the following boundaries:

(h)-1. Beginning at a point in a line 30 feet distant Westerly from the Westerly line of Block 227 of Pacific Beach, in the City of San Diego, County of San Diego, State of California, according to map thereof No. 854, filed in the office of the County Recorder of said San Diego County, September 20, 1898, said point being where the Westerly extension of the Northerly line of Lot 1, Block 227 intersects said first above mentioned line; thence Southerly 70 feet along said first above mentioned line; thence Westerly along a line parallel with the Westerly extension of said Northerly line of Lot 1, Block 227, to the mean high tide line of the Pacific Ocean; thence Northerly along the mean high tide line of the Pacific Ocean to that point where the mean high tide line intersects a line drawn Westerly from the point of beginning, and being the Westerly extension of the Northerly line of Lot 1, Block 227 of Pacific Beach; thence Easterly along the Westerly extension of the Northerly line of said Lot 1, Block 227, Pacific Beach, to the point of beginning.

(h)-2. Beginning at a point in the Westerly extension of the Southerly line of Lot 10, Block 226 of Pacific Beach, in the City of San Diego, County of San Diego, State of California, according to map thereof No. 854, filed in the office of the County Recorder of said San Diego County, September 20, 1898, said point being 30 feet Westerly of the Southwesterly corner of said Lot 10; thence along said Westerly extension of the Southerly line of said Lot 10 in a Westerly direction to

the mean high tide line of the Pacific Ocean; thence extending in a Southerly direction along said mean high tide line to a point where said mean high tide line intersects the Westerly extension of the Northerly line of Lot 1 of Block 227 of Pacific Beach; thence, Easterly along said Westerly extension of the Northerly line of said Lot 1 to a point 30 feet Westerly of the Northwestern corner of said Lot 1; thence Northerly along a line 30 feet Westerly of and parallel with the Northerly extension of the Westerly line of said Lot 1 to the point of beginning.

(h)-3. Beginning at a point in a line 30 feet distant Westerly from and parallel with the Westerly line of Block 227 of Pacific Beach, in the City of San Diego, County of San Diego, State of California, according to map thereof No. 854, filed in the office of the County Recorder of said San Diego County, September 20, 1898, said point being 70 feet Southerly of that point where the Westerly extension of the Northerly line of Lot 1, Block 227 intersects said first above mentioned line; thence Southerly 100 feet along said first above mentioned line; thence Westerly along a line parallel with the Westerly extension of the Northerly line of Lot 1, Block 227 to the mean high tide line of the Pacific Ocean; thence Northerly along the mean high tide line of the Pacific Ocean to that point where the mean high tide line intersects a line drawn Westerly from point of beginning, and parallel with the Westerly extension of the Northerly line of Lot 1, Block 227, Pacific Beach; thence Easterly along a line parallel with the Westerly extension of the Northerly line of Lot 1, Block 227, Pacific Beach, to the point of beginning.

(i) That portion of Pueblo Lot Seventeen Hundred Ninety-three of the Pueblo Lands of San Diego in the City of San Diego, according to map thereof made by James Pascoe in 1870, a copy of which said map was filed in the office of the County Recorder of San Diego County November 14, 1921, and is known as Miscellaneous Map No. 36, described as follows:

Beginning at a point on a line that is parallel with and distant 30 feet Westerly from the Westerly line of Block 226 of Pacific Beach, according to the map thereof No. 854, filed in the office of the County Recorder of said San Diego County, September 28, 1898, distant thereon 80 feet Northerly from its intersection with the Westerly extension of the Southerly line of said Block 226; thence Westerly parallel with said Westerly extension to the mean high tide line of the Pacific Ocean; thence Northerly along said mean high tide line to its intersection with the Westerly extension of the Northerly line of Lot 3, Block 193 of said Pacific Beach; thence Easterly along said Westerly extension to its intersection with a line drawn parallel with and distant 30 feet Westerly from the Westerly line of said Blocks 193 and 226; thence Southerly along said parallel line to the point of beginning.

Excepting therefrom that portion thereof described as follows:

Beginning at a point on a line that is parallel with and distant 30 feet Westerly from the Westerly line of Block 226 of Pacific Beach, according to the Map thereof No. 854, filed in the office of the Recorder of said San Diego County September 28, 1898, distant thereon 205 feet Northerly from its intersection with the Westerly extension of the Southerly line of said Block 226; thence Northerly along said parallel line a distance of 194.70 feet; thence Westerly parallel with said Westerly extension of the Southerly line of said Block 226 to the mean high tide line of the Pacific Ocean; thence Southerly along said mean high tide line to the intersection with a line that is drawn parallel with said Westerly extension of the Southerly line of Block 226 and runs through the point of beginning; thence Easterly parallel with said Westerly extension to the point of beginning.

(j) That portion of the unnumbered Lot of Morena, according to Map thereof No. 809, filed in the office of the County Recorder January 2, 1896, lying Southerly of Block Thirty-nine (39) of Mission Bay Park Tract, as shown on Map thereof No. 1120, filed in the office of the County Recorder February 11, 1907, Northeasterly of the ordinary high tide line of Mission Bay (formerly False Bay), and Westerly of a line described as follows:

Beginning at intersection of Northerly boundary line of Morena, according to Map No. 809, filed in office of County Recorder, with the Southwesterly boundary line of Grand Avenue, as shown on Map of Mission Bay Park Tract No. 1120, filed in office of County Recorder; said point of beginning being also the most Easterly corner of Lot 12, Block 39 of said Mission Bay Park Tract, according to map thereof No. 1120; thence along the Southeasterly prolongation of the Southwesterly line of Grand Avenue, South $45^{\circ} 18' 45''$ East, 134.04 feet; thence Southwesterly along a tangent curve to right having a radius of 50.58 feet to an intersection with ordinary high tide line of Mission Bay (formerly False Bay); being all that portion of Pueblo Lot 1193 lying Westerly of the Westerly line of land described in deed from G. H. Jones et al to State of California dated August 15, 1932 recorded in Book 149, page 492, Official Records San Diego County, California, to the mean high tide line of Mission Bay, together with all accretions, whether artificial or natural.

(k) That portion of Pueblo Lot 1793 of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to Map thereof made by James Pascoe in 1870, a certified copy of which is on file in the office of the Recorder of San Diego County as Miscellaneous Map No. 36, lying within the following boundaries:

Beginning at a point on the Westerly extension of the Southerly line of Lot 10 in Block 226 of Pacific Beach, according to Map thereof No. 854 filed in the office of the County Recorder of San Diego County September 20, 1898, said point being 30 feet Westerly of the Southwesterly corner of said

Lot 10, Block 226; thence Northerly 80 feet along a line 30 feet Westerly of and parallel with the Westerly line of Lots 8, 9 and 10 of said Block 226; thence Westerly along a line parallel with the Westerly extension of the Southerly line of said Lot 10, Block 226 to the mean high tide line of the Pacific Ocean; thence Southerly along said mean high tide line to a point where said mean high tide line intersects westerly extension of the Southerly line of said Lot 10, Block 226; thence Easterly along the Westerly extension of the Southerly line of said Lot 10, Block 226 to point of beginning.

(l) Those portions of the Unnumbered Tract in Morena in the City of San Diego, County of San Diego, according to Map thereof No. 809 as shown on Licensed Surveyor's Map No. 261 which was filed in the office of the County Recorder of the County of San Diego on July 16, 1926, lying southwesterly of the following described line:

Beginning at a point on the northerly line of said Morena, distant along said northerly line N. $89^{\circ} 31' 15''$ W., 633.22 feet from the northeasterly corner of said Unnumbered Tract; thence, along the following numbered courses,

(1) S. $45^{\circ} 20' 15''$ E., 398.84 feet;

(2) thence, along a tangent curve to the right with a radius of 3,457.63 feet, through an angle of $24^{\circ} 53' 45''$, a distance of 1502.39 feet to a point which bears S. $69^{\circ} 33' 30''$ W., 150.00 feet from Engineer's Station 190+37.54 B.C. on the center line of the Department of Public Works Survey made in 1937 between Barnett Avenue and Balboa Avenue, Road XI-S.D-2-S.D;

(3) thence, along a line that is parallel with and distant westerly 150.00 feet measured at right angles from the center line of said Department of Public Works Survey, S. $20^{\circ} 26' 30''$ E., 441.64 feet;

(4) thence, continuing along said parallel line along a tangent curve to the right with a radius of 4,350 feet, through an angle of $32^{\circ} 36' 30''$, a distance of 2,475.68 feet;

(5) thence, continuing along said parallel line S. $12^{\circ} 10'$ W, 1996.88 feet to a point on the northwesterly prolongation of the southwesterly line of said Morena, distant along said southwesterly line and its northwesterly prolongation N. $53^{\circ} 59' 30''$ W., 397.14 feet from the southeast corner of said Unnumbered Tract.

(m) All that portion of said Unnumbered Tract in Morena in the City of San Diego, County of San Diego, according to Map thereof No. 809 as shown on Licensed Surveyor's Map No. 261 which was filed in the office of the County Recorder of the County of San Diego on July 16, 1926, lying easterly of that portion of the easterly line of Pacific Highway which lies southerly of the westerly prolongation of the southerly line of Jellett Street as described in deed to the City of San Diego recorded October 29, 1936 in Book 579, page 319 of Official Records of said County; together with the right of ingress to and egress from an adjoining freeway over and

across the northwesterly 160.66 feet of Course (1) described in Parcel (1) above.

(n) That portion of Pueblo Lot 1793 of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to Map thereof by James Pascoe, a copy of which was filed in the Office of the County Recorder of San Diego County, November 14, 1921, and is known as Map No. 36, described as follows:

Beginning at a point in the Easterly line of Block 295 of Pacific Beach, according to Map thereof No. 854, filed in the Office of the County Recorder of San Diego County September 28, 1898 which is 50 feet Southerly from the Northeast corner of said Block, said point being also the Southeasterly corner of the lands conveyed by Fred T. Scripps and S. Emma Scripps to Mary F. Bell, April 30, 1912 by deed recorded in Book 565, page 431 of Deeds, records of San Diego County; thence Southerly along the Easterly line of said Block, 50 feet to the Northeast corner of the lands conveyed by said Fred T. Scripps and S. Emma Scripps to John C. Hogl, June 7, 1912 by deed recorded in Book 564, page 59 of Deeds; thence Westerly along the Northerly line of said Hogl's land to the Westerly line of said Block 295, being the True Point of Beginning; thence continuing Westerly along the Westerly prolongation of said Northerly line of Hogl's land to the ordinary high tide line of the Pacific Ocean; thence Northerly along said ordinary high tide line to the Westerly prolongation of the Southerly line of said land conveyed to Bell; thence Easterly along said Westerly prolongation to said Westerly line of said Block 295; thence Southerly along said Westerly line, 50 feet more or less, to the True Point of Beginning.

Excepting therefrom, that portion thereof lying Easterly of a line drawn parallel to and distant 12.8 feet Westerly at right angles from the Westerly line of said Block 295.

Also excepting therefrom all oil, gas and other hydrocarbon and mineral substances in and under said property but without any right to use or disturb the property within 100 feet of the surface as reserved in that certain instrument recorded August 1, 1957 in Book 6690, Page 284, Official Records of San Diego County.

(o) That portion of Pueblo Lot 1793 of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to Map thereof by James Pascoe, a copy of which was filed in the Office of the County Recorder of said County, November 14, 1921 and is known as Miscellaneous Map No. 36, described as follows:

Beginning at the Northeast corner of Block 295 of Pacific Beach, according to Map thereof No. 854, filed in the Office of the County Recorder of San Diego County September 28, 1898; thence Southerly along the Easterly line of said Block, 50.00 feet; thence Westerly parallel with the Northerly line of said Block to the Westerly line of said Block 295 and the True Point of Beginning; thence continuing Westerly parallel

with the Westerly prolongation of said Northerly line of Block 295 to the ordinary high tide line of the Pacific Ocean; thence Northerly along said ordinary high tide line to the Westerly prolongation of the Northerly line of said Block 295; thence Easterly along said Westerly prolongation to the Northwest-erly corner of said Block; thence Southerly along the Westerly line of said Block, 50 feet more or less, to the True Point of Beginning.

Excepting therefrom, that portion thereof lying Easterly of a line drawn parallel to and distant 12.8 feet Westerly at right angles from the Westerly line of said Block 295.

Also excepting therefrom all oil, gas and other hydrocarbon and mineral substances in and under said property but without any right to use or disturb the property within 100 feet of the surface as reserved in that certain instrument recorded April 23, 1957 in Book 6548, Page 404, Official Records of San Diego County.

(p) That portion of Pueblo Lot 1793 of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to Map thereof by James Pascoe, a copy of which was filed in the office of the County Recorder of said County November 14, 1921 and is known as Miscellaneous Map No. 36, described as follows:

Commencing at a point in the East line of said Block 295, distant thereon 100 feet Northerly from the Southeast corner of said Block which point is also the Northeasterly corner of the tract conveyed by Fred F. Scripps and S. Emma Scripps to Laura M. Luttrell by the deed recorded September 11, 1912, in Book 569, page 375 of Deeds; thence continuing Northerly along the Easterly line of said Block, 50 feet to the Southeast corner of the tract conveyed by Frederick T. Scripps and S. Emma Scripps to Mrs. M. M. McFadden by the deed recorded September 26, 1912, in Book 578, page 156 of Deeds; thence Westerly along the Southerly line of said McFadden's land to the Westerly line of said Block 295 and the True Point of Beginning; thence continuing Westerly along the Westerly prolongation of said Southerly line of McFadden's land to the ordinary high tide line of the Pacific Ocean; thence Southerly along said ordinary high tide line to the Westerly prolongation of the Northerly line of said land conveyed to Lutrell; thence Easterly along said Westerly prolongation to the Westerly line of said Block 295; thence Northerly along said Westerly line, 50 feet more or less, to the True Point of Beginning.

Excepting therefrom, that portion thereof lying Easterly of a line drawn parallel to and distant 12.8 feet Westerly at right angles from the Westerly line of said Block 295.

Also excepting therefrom all oil, gas and other hydrocarbon and mineral substances in and under said property but without any right to use or disturb the property within 100 feet of the surface as reserved in that certain instrument recorded April 23, 1957 in Book 6548, Page 404, Official Records of San Diego County.

(q) That portion of Pueblo Lot 1793 of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to Map thereof by James Pascoe, a copy of which was filed in the Office of the County Recorder of said County, November 14, 1921 and is known as Miscellaneous Map No. 36, described as follows:

Beginning at the Southeasterly corner of Block 295 of Pacific Beach, according to Map thereof No. 854, filed in the Office of the County Recorder of said County September 28, 1898; thence Northerly along the Easterly line of said Block, 100.00 feet; thence Westerly parallel with the Southerly line of said Block to the Westerly line of said Block 295 and the true point of beginning; thence continuing Westerly parallel with the Westerly prolongation of the Southerly line of said Lot to the ordinary high tide line of the Pacific Ocean; thence Southerly along said ordinary high tide line to the Westerly prolongation of said Southerly line of Block 295; thence Easterly along said Westerly Prolongation to the Southwesterly corner of said Block; thence Northerly along said Westerly Block line, 100 feet more or less, to the true point of beginning.

Excepting therefrom, that portion thereof lying Easterly of a line drawn parallel to and distant 12.8 feet Westerly at right angles from the Westerly line of said Block 295.

Also excepting therefrom all oil, gas and other hydrocarbon and mineral substances in and under said property but without any right to use or disturb the property within 100 feet of the surface as reserved in that certain instrument recorded April 23, 1957 in Book 6548, Page 415, Official Records of San Diego County.

(r) All that portion of Pueblo Lot 1803 of the Pueblo Lands of said The City of San Diego, according to the map thereof made by James Pascoe in the year 1870, a copy of which is filed as Miscellaneous Map No. 36 in the office of the County Recorder of said County of San Diego, bounded and described as follows:

Beginning at the intersection of the westerly prolongation of the southerly line of Balboa Court with the westerly line of Ocean Front Walk, as said Balboa Court and Ocean Front Walk are located and established as of the date of this instrument, and as said Balboa Court is shown on Map No. 1651 of Mission Beach, filed in the office of the County Recorder of said County of San Diego; thence northerly along the westerly line of said Ocean Front Walk to an intersection with the westerly prolongation of the northerly line of San Fernando Place, as said San Fernando Place is shown on said Map No. 1651 of Mission Beach; thence westerly along the westerly prolongation of the northerly line of said San Fernando Place to an intersection with the mean high tide line of the Pacific Ocean, as surveyed by the City Engineer's Office of said The City of San Diego and shown on drawings Nos. 4711-L to 4728-L inclusive, dated March 7, 1931, filed in said City Engi-

neer's Office and also as shown on a copy of said drawings filed October 7, 1948, as Miscellaneous Map No. 201 in the office of the County Recorder of said County of San Diego; thence in a general southerly direction along the meanderings of said mean high tide line to an intersection with the westerly prolongation of the southerly line of said Balboa Court; thence North 89° 12' East along the westerly prolongation of the southerly line of said Balboa Court to the point of beginning, excepting from the above described parcel of land any portion of Capistrano Place included therein as said Capistrano Place is located and established as of the date of this instrument.

SEC. 2. It is hereby found and determined:

(a) Because of geographical factors, the city can better administer for public use the subject lands for park, playground, marine, recreational and beach purposes than the State.

(b) The city is willing to accept such administration and control from the State upon the following conditions, which the State finds are necessary, reasonable and proper:

(1) The State shall convey to the city all its right, title and interest in and to the surface of the subject lands, and in and to all portions of the surface of said lands down to and including two hundred (200) feet below such surface. The State expressly reserves all rights it now has, if any, to use the surface of the subject lands and all portions of the subsurface of said lands down to and including 200 feet below such surface, for the development and production of oil, gas, other hydrocarbons and minerals from beneath those specific parcels of the subject lands involved.

(2) The conveyance is made upon the express condition that the property conveyed hereby shall be used for a public park, or beach used by all the public for recreational purposes, and for no other purposes whatsoever, and should said property or any portion thereof be used for any other purpose, then, in that event, such portion of the property hereby conveyed shall immediately revert unto the grantor herein, its successors or assigns.

The conveyance is not to take effect until the execution of an agreement between the City of San Diego and the Department of Parks and Recreation specifying all the conditions and the agreement is approved by the Department of Finance.

(3) The State expressly reserves such portions of the subject lands to be used for state highway purposes for that state highway numbered Route 5 as described in Section 305 of the Streets and Highways Code, as added by Chapter 385 of the Statutes of 1963.